



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, } Case No.: 12-1446M  
12 Plaintiff, } ORDER OF DETENTION  
13 vs. }  
14 *Jose A. Hoy* }  
15 Defendant. }

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18 A. ( ) On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly  
19 involving:

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2 B.  On motion by the Government/( ) on Court's own motion [18 U.S.C.  
3 § 3142(f)(2)], in a case allegedly involving:

4 1.  a serious risk that the defendant will flee.

5 2. ( ) a serious risk that the defendant will:

6 a. ( ) obstruct or attempt to obstruct justice.

7 b. ( ) threaten, injure or intimidate a prospective witness or  
8 juror, or attempt to do so.

9 C. The Government  is/( ) is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.

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13 **II.**

14 A.  The Court finds that no condition or combination of conditions will  
15 reasonably assure:

16 1.  the appearance of the defendant as required.  
17 and/or  
18 2.  the safety of any person or the community.

19 B.  The Court finds that the defendant has not rebutted by sufficient evidence  
20 to the contrary the presumption provided by statute.

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22 **III.**

23 The Court has considered:

24 A. the nature and circumstances of the offense(s) charged, including whether the  
25 offense is a crime of violence, a Federal crime of terrorism, or involves a minor  
26 victim or a controlled substance, firearm, explosive, or destructive device;

27 B. the weight of evidence against the defendant;

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1 C. the history and characteristics of the defendant; and  
2 D. the nature and seriousness of the danger to any person or the community.

4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the  
6 arguments and/or statements of counsel, and the Pretrial Services Report /  
7 recommendation.

8  
9 **V.**

10 The Court bases the foregoing finding(s) on the following:

11 A.  As to flight risk:  
12  Lack of bail resources  
13  Prior failures to appear / violations of probation/parole  
14  No stable residence or employment  
15  Ties to foreign countries / financial ability to flee

16 IMMIG STATUS

17 NO PTS WTBW

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19 B.  As to danger:  
20  Nature of prior criminal convictions  
21  Allegations in present indictment  
22  Drug / alcohol use  
23  In custody for state offense

1 VI.  
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3 A. ( ) The Court finds that a serious risk exists the defendant will:  
4       1. ( ) obstruct or attempt to obstruct justice.  
5       2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.  
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7 B. The Court bases the foregoing finding(s) on the following:  
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12 VII.  
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14 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.  
15 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of  
16 the Attorney General for confinement in a corrections facility separate, to the  
17 extent practicable, from persons awaiting or serving sentences or being held in  
18 custody pending appeal.  
19 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
20 opportunity for private consultation with counsel.  
21 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
22 request of any attorney for the Government, the person in charge of the  
23 corrections facility in which defendant is confined deliver the defendant to a  
24 United States marshal for the purpose of an appearance in connection with a  
25 court proceeding.

26  
27  
28 DATED: 6/15/12



MICHAEL R. WILNER  
UNITED STATES MAGISTRATE JUDGE